IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 26 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 27 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 28 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 29 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 30 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 31 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 32 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 33 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 34 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 35 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 36 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 37 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 38 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 39 OF 2005

Sri. C. Nandeesh ...Applicant

Versus

State of Maharashtra & Ors ...Respondents

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Mr. D.P. Kamat, Advocate for Applicant.
Mrs. S.M. Tekawade i/b Mr. M.P. Tekawade, Advocate for Respondent No.2.
Mr. S.R. Shinde, APP. in Appln. Nos.26 & 27/05
Mr. D.P. Adsule, APP. in Appln. Nos.28 & 29/05.
Mr. V.B. KOnde Deshmukh, APP in Appln.30 & 31/05.
Mr. M.S. Mhambray, APP. in Appln. 32 & 33/05.
Ms. S.V. Gajare, APP. in Appln. 34 & 35/05.
Mr. Rajesh More, APP. in Appln. 36 & 37/05.
Mr.Y.S. Shinde, APP. in APPln. 38 & 39/05.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 11TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicant, the learned advocate for the respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Complaint Nos.881/S/2002, 882/S/2002, 883/S/2002, 884/S/2002, 885/S/2002, 886/S/2002, 887/S/2002, 888/S/2002, 889/S/2002, 890/S/2002, 891/S/2002, 892/S/2002, 893/S/2002 and 894/S/2002 which are pending in the Court of learned Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai. In the said cases, process has been issued against the applicant under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer

revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, ad interim relief granted earlier by order dated 3.2.2005, is continued for a period of five weeks from today. The learned advocate for the respondent No.2 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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